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8 *Automobiles N.V., FCA US LLC,*
9 *Sergio Marchionne, V.M. Motori*
S.p.A., and V.M. North America,
Inc.

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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 IN RE : CHRYSLER-DODGE-
15 JEEP ECODIESEL
16 MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

17 This Document Relates to :

18 ALL ACTIONS

19 Case No. 3:17-md-02777-EMC

20 The Honorable Edward M. Chen

21 **DECLARATION OF DARRELL S.**
CAFASSO IN SUPPORT OF
DEFENDANTS FIAT CHRYSLER
AUTOMOBILES N.V., FCA US
LLC, SERGIO MARCHIONNE, VM
MOTORI S.p.A., AND VM NORTH
AMERICA, INC.'S
MEMORANDUM OF LAW IN
SUPPORT OF THEIR MOTION TO
DISMISS THE AMENDED
CONSOLIDATED CONSUMER
CLASS ACTION COMPLAINT

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25 I, Darrell S. Cafasso, pursuant to 28 U.S.C. § 1746, hereby declare as

26 follows:

27 1. I am a member of the Bar of the State of New York and of

28 Sullivan & Cromwell LLP, counsel for Defendants Fiat Chrysler Automobiles

DECLARATION OF DARRELL S. CAFASSO IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS
MDL No. 2777 EMC

1 N.V. (“FCA NV”), FCA US LLC (“FCA US”), Sergio Marchionne, V.M. Motori
 2 S.p.A., and V.M. North America, Inc. (the “FCA Defendants”) in the above-
 3 captioned action. I have been admitted *pro hac vice* to appear in this Action.

4 2. I submit this Declaration to provide the Court with certain
 5 materials cited in the FCA Defendants’ Memorandum Of Law in Support of Their
 6 Motion to Dismiss the Amended Consolidated Consumer Class Action Complaint.

7 3. Annexed hereto as Exhibit 1 is a true and correct copy of excerpts
 8 from FCA N.V.’s Annual Report for 2016, dated February 28, 2017, which is
 9 publicly available at [https://www.sec.gov/Archives/edgar](https://www.sec.gov/Archives/edgar/data/1605484/000160548417000019/fcaannualreport20161231.htm)
 10 /data/1605484/000160548417000019/fcaannualreport20161231.htm.

11 4. Annexed hereto as Exhibit 2 is a true and correct copy of excerpts
 12 from Volkswagen AG’s Statement of Facts, which was appended as Exhibit 2 to
 13 the Rule 11 Plea Agreement entered in *United States v. Volkswagen AG*, No. 16-
 14 CR-20394 (E.D. Mich.), signed January 11, 2017.

15 5. Annexed hereto as Exhibit 3 is a true and correct copy of excerpts
 16 from the hearing transcript of testimony given by Michael Horn, former President
 17 and Chief Executive Officer of Volkswagen Group, to the House of
 18 Representatives’ Committee on Energy and Commerce, dated October 8, 2015,
 19 which is publicly available at <http://docs.house.gov/meetings/IF/IF02/20151008/104046/HHRG-114-IF02-Wstate-HornM-20151008.pdf>.

21 6. Annexed hereto as Exhibit 4 is a true and correct copy of the
 22 Letter that Byron J. Bunker, Director of the Compliance Division at the Office of
 23 Transportation and Air Quality of the U.S. Environmental Protection Agency
 24 (“EPA”), sent to automobile manufacturers, including FCA US, regarding EPA’s
 25 intent to conduct confirmatory testing, dated September 25, 2015, which is
 26 publicly available at <https://www.epa.gov/sites/production/files/2015-10/documents/cd-mfr-guid-ltr-2015-09-25.pdf>.

1 7. Annexed hereto as Exhibit 5 is a true and correct copy of the
 2 Notice of Violation (“NOV”) that the EPA issued to FCA NV and FCA US, dated
 3 January 12, 2017, which is publicly available at
 4 <https://www.epa.gov/sites/production/files/2017-01/documents/fca-caa-nov-2017-01-12.pdf>.

6 8. Annexed hereto as Exhibit 6 is a true and correct copy of the
 7 NOV issued by the California Air Resource Board (“CARB”) to FCA NV and
 8 FCA US, dated January 12, 2017, which is publicly available at
 9 https://www.arb.ca.gov/msprog/fca/fca_arb_nov.pdf.

10 9. Annexed hereto as Exhibit 7 is a true and correct copy of CARB’s
 11 Conditional Executive Order authorizing FCA to sell MY 2017 Jeep Grand
 12 Cherokee and Ram 1500 vehicles with 3.0L V6 diesel engines in the State of
 13 California, dated July 27, 2017, which is publicly available at
 14 https://www.arb.ca.gov/msprog/onroad/cert/pcldtmdv/2017/fiatchrysler_ldt_a0091321_3d0_l2_diesel.pdf.

16 10. Annexed hereto as Exhibit 8 is a true and correct copy of EPA’s
 17 Conditional Certificate of Compliance authorizing FCA to sell Model Year
 18 (“MY”) 2017 Jeep Grand Cherokee and Ram 1500 vehicles with 3.0L V6 diesel
 19 engines in the United States, dated July 28, 2017.

20 11. Annexed hereto as Exhibit 9 is a true and correct copy of the FCA
 21 US Press Release announcing Certification of MY 2017 Jeep Grand Cherokee and
 22 Ram 1500 vehicles with 3.0L V6 diesel engines, dated July 28, 2017, which is
 23 publicly available at

24 <http://media.fcanorthamerica.com/newsrelease.do?id=18476&mid=&searchresult>.

25 12. Annexed hereto as Exhibit 10 is a true and correct copy of the
 26 Amended Consolidated Consumer Class Action Complaint in the above-captioned
 27 action, dated September 29, 2017 (ECF No. 225).

1 13. Annexed hereto as Exhibit 11 is a true and correct copy of
2 excerpts from the U.S. Department of Justice's ("DOJ") Complaint in *United*
3 *States v. FCA US LLC*, No. MDL 2777 (N.D. Cal. 2016), dated May 23, 2017
4 (ECF No. 132).

5 14. Annexed hereto as Exhibit 12 is a true and correct copy of
6 excerpts from the DOJ's Complaint in *In re Volkswagen 'Clean Diesel' Marketing,*
7 *Sales Practices, & Prods. Liab. Litig.*, No. MDL 2672 (N.D. Cal. 2016), dated
8 January 1, 2016 (ECF No. 1).

9 15. Annexed hereto as Exhibit 13 is a true and correct copy of
10 excerpts from the Plaintiffs' Amended Consolidated Consumer Class Action
11 Complaint in *In re Volkswagen 'Clean Diesel' Marketing, Sales Practices, &*
12 *Prods. Liab. Litig.*, No. MDL 2672 (N.D. Cal. 2016), dated September 2, 2016
13 (ECF No. 1804).

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15 I declare under penalty of perjury that the foregoing is true and
16 correct.

17 Executed this 6th day of October 2017 in New York, New York.

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20 /s/ Darrell S. Cafasso _____
21 Darrell S. Cafasso
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